



**Santa Clara Valley
Urban Runoff
Pollution Prevention Program**

C.3 Stormwater Handbook

APPENDIX A

NPDES PERMIT PROVISION C.3

- **NPDES Order 01-119**
Amendment Revising Provision C.3 of Order No. 01-024
- **Letter From the RWQCB Extending Specified Deadline in Order 01-119, May 12, 2003**
- **Letter Requesting RWQCB Approval of an Alternative Group 2 Project Definition, September 22, 2003**
- **Letter from the RWQCB Accepting Alternative Group 2 Project Definition, October, 2003**



California Regional Water Quality Control Board

San Francisco Bay Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

Date: May 12, 2003
File No.: 2182.05 (JBO)

Mr. Beau Goldie
Management Committee Chair-SCVURPPP
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614

SUBJECT: EXTENSION OF SPECIFIED DEADLINES IN ORDER 01-119

Dear Mr. Goldie and Co-permittees:

This is to confirm our discussion of May 9, 2003, with Carl Moser of San Jose, Marvin Rose of Sunnyvale and Glen Roberts of Palo Alto on various issues, including your stormwater permit, as amended by Order 01-119. That amendment contains several implementation deadlines that do not reflect the timeframes allowed for the same activities in permits issued to Alameda, Contra Costa, and San Mateo Counties. By this letter we are extending three deadlines as shown below, in order to be consistent with these other stormwater permits adopted this year.

Provision	Activity	Original Deadline	New Deadline
C.3.c.i.	Require stormwater treatment BMPs at Group 1 Projects	July 15, 2003	October 15, 2003
C.3.c.ii.	Require stormwater treatment BMPs at Group 2 Projects in addition to Group 1 Projects	October 15, 2004	April 15, 2005
C.3.f.	Submit final HMP for Regional Board approval	October 15, 2003	January 15, 2004

These are minor changes as provided in Provision 11 of the permit. Please contact Jan O'Hara of my staff at 510.622.5681 or jbo@rb2.swrcb.ca.gov if you have any questions on this matter.

Sincerely,

-- original signed by --

Loretta K. Barsamian
Executive Officer

cc: Co-Permittees, *via email*
Adam Olivieri, EOA, Inc., *via email*
Jill Bicknell, EOA, Inc., *via email*



**Santa Clara Valley
Urban Runoff
Pollution Prevention Program**

Campbell • Cupertino • Los Altos • Los Altos Hills • Los Gatos • Milpitas • Monte Sereno • Mountain View • Palo Alto
San Jose • Santa Clara • Saratoga • Sunnyvale • Santa Clara County • Santa Clara Valley Water District

September 22, 2003

Loretta Barsamian
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

**Re: Santa Clara Valley Urban Runoff Program NPDES Permit No. CAS029718
Revised Request for Regional Board Approval of an Alternative “Group 2 Project”
Definition**

Dear Ms. Barsamian:

I am writing on behalf of the Santa Clara Valley Urban Runoff Pollution Prevention Program (“SCVURPPP” or “Program”) to request that the Regional Board approve, as soon as possible, an alternative Group 2 Project definition pursuant to Provision C.3.c.iii of NPDES Permit No. CAS029718 (“Santa Clara Basin permit”)¹.

As you know, the description of projects subject to Provision C.3 of the Santa Clara Basin permit differs from the description of covered projects in the C.3 provisions of the recently reissued/modified Alameda, Contra Costa, and San Mateo permits. In addition, the other permits allow individual dischargers, as well as the countywide program, to propose their own alternative Group 2 definitions. Accordingly, as suggested in your letters to me of April 2, 2003, and to Robert Falk of June 30, 2003, we are requesting Regional Board approval of an alternative Group 2 Project definition to conform the Santa Clara Basin permit to the other counties’ permits in these important respects. The proposed alternative Group 2 Project definition described in this letter includes multiple “tiers” and therefore also subsumes the existing Group 1 definition such that, consistent with the modified compliance deadlines set forth in your letter to me of May 12, 2003, implementation of the first tier of Provision C.3.d (i.e. application of numeric sizing criteria to a subset of projects which reflects a conformed version of the

¹ The SCVURPPP is composed of 13 cities and towns in the Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District; each SCVURPPP member is an independent co-permittee under the Santa Clara Basin permit. The submission of this request does not represent a waiver or release of any claims or rights that the cities of Milpitas and San Jose may have as a result of their legal challenge to the C.3 Provision.

former Group 1 project definition) will begin on October 15 of this year. Implementation of Provision C.3.d. with respect to the second tier of projects (i.e., those to be subject to a potential 10,000 square foot of impervious surface size threshold) will begin on April 15, 2005. Under this proposal, each of the dischargers would be entitled to propose additional changes to the Group 2 project definition, as allowed in the other counties' permits.

The details of this request are as follows:

Tier 1

Tier 1 of the alternative Group 2 Project definition will supersede the existing Group 1 definition. Implementation of Tier 1 will begin on October 15, 2003. During this phase, covered projects will include public and private projects in the following categories:

1. *Commercial, industrial, or residential developments that create one acre (43,560 square feet) or more of impervious surface, including roof area, streets and sidewalks.* This category includes development of any type on public or private land, which falls under the planning and building authority of the Dischargers, where one acre or more of new impervious surface, collectively over the entire project site, will be created. Construction of one single-family home, which is not part of a larger common plan of development, with the incorporation of appropriate pollutant source control and design measures, and using landscaping to appropriately treat runoff from roof and house-associated impervious surfaces (e.g., runoff from roofs, patios, driveways, sidewalks, and similar surfaces), would be in substantial compliance with Provision C.3.
2. *Streets, roads, highways, and freeways that are under the Dischargers' jurisdiction and that create one acre (43,560 square feet) or more of new impervious surface.* This category includes any newly constructed paved surface used primarily for the transportation of automobiles, trucks, motorcycles, and other motorized vehicles. Excluded from this category are sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features.
3. *Significant Redevelopment projects.* This category is defined as a project on a previously developed site that results in addition or replacement, which combined total 43,560 square feet or more of impervious surface on such an already developed site ("Significant Redevelopment"). Where a Significant Redevelopment project results in an increase of, or replacement of, more than fifty percent of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment measures, the entire project must be included in the treatment measure design. Conversely, where a Significant Redevelopment project results in an increase of, or replacement of, less than fifty percent of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment measures, only that affected portion must be included in treatment measure design. Excluded from this category are interior remodels and routine maintenance or repair. Excluded routine maintenance and repair includes roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.

Tier 2.

The Tier 2 Project definition is in all ways the same as the Tier 1 Project definition, except that the size threshold of impervious area for new and Significant Redevelopment projects is reduced from one acre (43,560 square feet) of impervious surface to 10,000 square feet. However, projects consisting of one single family home not part of a larger common plan of development are excluded from the Tier 2 definition, and therefore excluded from the requirement to implement appropriate stormwater treatment measures. Dischargers shall begin implementation of Provision C.3.d with respect to Tier 2 projects on April 15, 2005.

As part of this proposal, we are also asking the Regional Board to expressly recognize the right of the Program or any Co-permittee to propose for approval by the Regional Board, further revision of the alternative Group 2 Project definitions, with the goal that any such alternative definition would aim to ensure that the maximum created impervious surface area is treated for the minimum number of projects subject to Co-permittee review. Any such proposal will contain supporting information about the Co-permittees' development patterns, and sizes and numbers of proposed projects for several years, that demonstrates that the proposed definition would be substantially as effective as the definition stated above. Proposals may include differentiating projects subject to the alternative Group 2 Project definition by land use, by focusing solely on the techniques recommended by "Start at the Source"² (i.e., site design measures) for documented low pollutant loading land uses, and/or by optimum use of landscape areas required by Co-permittees under existing codes as treatment measures. Proposals may be submitted anytime, with the understanding that the alternative Group 2 Project definition, as described in this request, will be upheld as the default in the absence of an approved further revised alternative Group 2 Project definition.

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Because of the severe strain on Program member resources in the current fiscal environment, the Program is requesting action as soon as possible, preferably in advance of the October 15 date that your May 12, 2003, letter identifies for commencing Group 1 implementation. Therefore, we would appreciate it if you or your staff could contact us to discuss how to bring this request before the Regional Board for approval at the earliest possible time (i.e., possibly as a consent item on the Board's agenda).

Thank you for your consideration, and please contact me with your questions and concerns.

Sincerely yours,

/s/ *Beau Goldie*

Beau Goldie
Chair
Management Committee
SCVURPPP

² Bay Area Stormwater Management Agencies Association, "Start at the Source: Design Guidance Manual for Stormwater Quality Protection", 1999.

cc: Larry Kolb
Bruce Wolfe
Dorothy Dickie
Janet O'Hara
Adam Olivieri
Robert Falk
SCVURPPP Management Committee
SCVURPPP Permit Ad Hoc Steering Group



Winston H. Hickox
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Gray Davis
Governor

Date: January 29, 2004
File No. 2182.05 (JBO)

Mr. Beau Goldie
Management Committee Chair-SCVURPPP
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614

SUBJECT: Approval of the Proposed Alternate Group 2 Project Definition

Dear Mr. Goldie:

We have reviewed the Santa Clara Valley Urban Runoff Pollution Prevention Program's proposed Alternative Group 2 Project Definition contained in your letter of September 22, 2003. The Program's proposal is essentially identical to the requirements contained in the Alameda, Contra Costa, and San Mateo Counties' stormwater permits at Provision C.3.c., and would make the Program's project size requirements consistent with these other Bay Area permit requirements.

The San Francisco Bay Regional Water Quality Control Board considered your proposal on October 15, 2003, and voted to approve it. On behalf of the Regional Board, I am communicating its approval of the Alternate Group 2 Project Definition contained in your letter of September 22, 2003.

Sincerely,

-- original signed by --

Bruce H. Wolfe
Executive Officer

cc: Program Co-permittees, *via email*

